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09/198,534	11/24/1998	SHINICHI BAN	48864-014	2638
20277	7590	11/02/2004	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			BALI, VIKKRAM	
			ART UNIT	PAPER NUMBER
			2623	27

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/198,534
Filing Date: November 24, 1998
Appellant(s): BAN ET AL.

Edward J. Wise, #34,523
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/03/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-8, 10-25, 29-31, 34, 35 and 37-39.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-8 and 10-25, 29-31, 34-35 and 37-39 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,141,431	MUNETSUGU et al.	10/2000
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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8, 10-25, 29-31, 34, 35, and 37-39 are rejected under 35 U.S.C. 103(a).

This rejection is set forth in a prior Office Action, mailed on 4/7/2003.

(11) Response to Argument

Claim 1:

Applicant argues that the reference fails to disclose the "inputted 3-dimensional form data". Examiner disagrees with the applicant and would like to bring the attention to the figure 13, numerical 114 Face surface model, and the arrow pointing down, this arrow is establishing the concept of inputting of the face model, i.e. inputting the 3D form data.

Claim 2:

Applicant argues that the reference fails to disclose the “a means for inputting ... the 3D form data of the object to the data processing apparatus”, as claimed. Examiner disagrees with the applicant and would like to bring the attention to the figure 13, numerical 114 Face surface model, and the arrow pointing down, this arrow is establishing the concept of inputting of the face model in to the next box with modifying step, i.e. inputting the 3D form data.

Claim 3:

Applicant argues that the reference fails to disclose modification of 3D data. Examiner disagrees with the applicant and would like to bring the attention to the figure 13, numerical 114 Face surface model, and the arrow pointing down, this arrow is establishing the concept of inputting of the face model in to the next box with modifying step, i.e. inputting the 3D form data, also see col. 5, lines 29-30, wherein, a hair region selecting part from 2-dimensional image and col. 5, lines 31-38, wherein the corresponding part on the model gets determined, also, in col. 14, lines 35-60 the attributes are used to make the determination with is to be modified and what is not to be modified, as claimed.

Claim 6:

Applicant argues that the reference fails to disclose a modifying unit extracts from a 2D data, a second area from a 3D form data and modifying unit modifies the part of form data, as claimed. Examiner disagrees with the applicant and would like to bring

the attention to the figure 13, numerical 114 Face surface model, and the arrow pointing down, this arrow is establishing the concept of inputting of the face model in to the next box with modifying step, i.e. inputting the 3D form data, also see col. 5, lines 29-30, wherein, a hair region selecting part from 2-dimensional image i.e. extraction of 2D data and col. 5, lines 31-38, wherein the corresponding part on the model gets determined, i.e. 3D data also, in col. 14, lines 35-60 the attributes are used to make the determination with is to be modified and what is not to be modified, as claimed. And, figure 3 shows the human head i.e. the data is human head.

Claim 11:

Applicant argues that the reference fails to disclose a form of a part of the inputted 3D form data as claimed. Examiner disagrees with the applicant and would like to bring the attention to the figure 13, numerical 114 Face surface model, and the arrow pointing down, this arrow is establishing the concept of inputting of the face model, i.e. inputting the 3D form data. And, col. 3, lines 35-38 states a face surface model generated on the basis of the front face image.

Claim 12:

Applicant argues that smoothing an image data is not well known in the art. Examiner disagrees with the applicant, the smoothing of an image data is well known in the art and also, well acknowledge in the art. This is well evidence by the example of

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Carr (US 5,317,395) col. 3 lines 40-46 and Chen (US 4,789,933) col. 7 lines 34-36

[these reference are only to show the limitation is well known].

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Vikkram Bali
Primary Examiner
Art Unit 2623



vb

October 22, 2004

Conferees

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